

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER

Tuesday, May 9, 2006

Present: Commissioner President Thomas F. McKay (absent from morning session)

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Risë Y. Carter, Administrative Assistant (Recorder)

(This portion transcribed by Donna Gebicke)

The meeting was called to order at 9:44 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as presented. Motion carried 5-0.

Commissioner Raley noted that the bill in question last week was still being held pending a satisfactory response to his concerns.

APPROVAL OF THE MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of May 2, 2006, as amended. Motion carried 4-0.

SOUTHERN MARYLND TRAVEL AND TOURISM COMMITTEE AMBASSADOR OF THE YEAR AWARD PRESENTATION

Carolyn Laray, Tourism Manager, introduced Kim Cullins, Chair of the Regional Tourism Committee, who presented the St. Mary's County Ambassador of the Year Award to Shelly Peterson, General Manager of the Sleep Inn and Suites, in California, Maryland.

PROCLAMATIONS

Proclamations were presented in recognition of the following: Emergency Medical Services Week, Correctional Officer Appreciation Week, National Drug Court Month, National Mental Health Month, and National Transportation Week.

"LUNCH WITH THE COMMISSIONERS"

The Commissioners recessed the meeting and reconvened at the annual "Lunch with the Commissioners" event at the Northern Senior Center in Charlotte Hall and then returned to the Governmental Center.

(This portion transcribed by Risë Y. Carter)

COUNTY ADMINISTRATOR

1. Draft Agendas for May 16 and May 23, 2006

2. **County Attorney's Office and Commission on the Environment** *(Christy Chesser; and*

Dr. Nancy Paige Smith, Commission Chair)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign the amended By-Laws of the St. Mary's County Commission on the Environment. Motion Carried 5-0.

3. **Finance Department** *(Elaine Kramer, CFO; John Savich, Director, Econ. & Comm.*

Development; Denis Canavan, Dir., LUGM)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign two budget amendments which will close out Project #US0648, reduce the DECD/Housing accounts, and increase the Supplemental Reserve Account by \$250,000. Motion Carried 5-0.

4. **Dept. of Land Use and Growth Management** *(Denis Canavan, Director; Sue Veith Environmental Planner; Christy Chesser, County Attorney:*

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the submission of grant application for Critical Area funding and to sign the letter forwarding the FY2007 Scope of Work and budget for implementation of St. Mary's County Critical Area Program request for funding. Motion Carried 5-0.

5. **Public Safety and IT Departments** *(Tim Cameron and Bob Kelly, Directors)*

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign a budget amendment to fund the consultant and legal fees to begin the process of rebanding the 800mhz radio system in St. Mary's County. Motion Carried 5-0.

6. **Office of the Sheriff** *(Sheriff Zylak; Captain Cusic; Patty Litten, Fiscal Specialist II)*

a. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign a budget amendment increasing the

Supplemental Reserve Accounts by \$64,787, due to non-receipt of the COPS Grant funding as budgeted for FY2006. Motion Carried 5-0.

b. Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign a budget amendment increasing the Supplemental Reserve Accounts by \$2,743 and realigning the Cooperative Reimbursement Incentive Grant Project budget to the actual grant award amount. Motion Carried 5-0.

7. Department of Public Works & Transportation (*George Erichsen, Director, DPW&T*)

a. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the Public Works Agreement for Dahlia Park Subdivision, Phase 2, located in the 8th Election District with an expiration date of June 1, 2007. Motion Carried 5-0.

b.c.d. Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the respective Public Works Agreements for The Woods at Myrtle Point Subdivision, Section 1, located in the 8th Election District with an expiration date of April 1, 2007, the Addition to Greenbrier Subdivision, located in the 8th Election District with an expiration date of May 1, 2007, and for Mazel Subdivision, Section 1, located in the 8th Election District with an expiration date of May 1, 2007. Motion Carried 5-0.

e. Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to proceed with the abandonment of Iverson Drive, converting it to a private road, and to proceed with the scheduling of a public hearing. Motion Carried 5-0.

f. Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to sign: (1) a Modified Shore Erosion Control Project Agreement with the State of MD for the Holly Point Shore Erosion Control Project; and (2) the budget amendment to realign accounts in the Holly Point Shore Erosion Control Project which will result in a net decrease to the project of \$9,590. Motion Carried 5-0.

8. Department of Aging (*Jennie Page, Acting Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to accept and authorize Commissioner President to sign the award documents for the SHIP (Senior Health Insurance Program) Grant from the MD Dept. of Aging in the amount of \$10,998. Motion Carried 5-0.

9. Human Resources Dept. (*Sue Sabo, HR Director*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Department of Human Resources to prepare and present to the Board of County Commissioners a Resolution incorporating proposed changes to the Manual of Personnel Policies and Procedures in the areas of Promotions and Reclassifications. Motion Carried 5-0.

10. St. Mary's County Public Schools (*Daniel Carney, CFO*)

a. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve new FY 2006 Restricted Program Fund grants as submitted, which were approved by the Board of

Education on April 26, 2006, and were awarded after the completion and approval of the FY 2006 approved budget document. Motion Carried 5-0.

b. Commissioner Dement moved, seconded by Commissioner Mattingly to approve the FY2006 General Fund categorical transfer requests, as presented on the FY 2006 Categorical Fund Transfers sheet, which was approved by the Board of Education on April 26, 2006. Motion Carried 5-0.

11. County Administrator (*George Forrest*)

No action was taken on a request to approve and authorize the Commissioner President to sign the budget amendment transferring \$30,000 from the Commissioners' Emergency Appropriations Fund to "Other Costs" under the Public Information Office to fund the remaining events in the FY06 budget cycle.

12. Walden/Sierra (*Charles Wood, Finance Director; Yevonnie Lowe, Counseling Program Services Supervisor*)

Commissioner Raley moved, seconded by Commissioner Mattingly to approve and authorize Commissioner President to sign the Application Transmittal Page of Walden's Victims of Crime Assistance Program (VOCA) grant proposal to the MD Dept. of Human Resources/Office of Victims Services. Motion Carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT

Present: Denis Canavan, Director, Sue Veith, Environmental Planner

Proposed Amendment to the Zoning and Subdivision Regulations Governing the Residential Clustering Provisions for Zoning Ordinance Z02-01 (Second Reader)

Mr. Canavan asked the Commissioners to consider the proposed changes to Zoning Ordinance Text Amendment to Section 32.1 to provide standards for cluster developments; to Section 51.3 to modify the requirements for Use Type10, an attached dwelling unit; to Article 9 to revise the

definition of cluster development; and Subdivision Ordinance Text Amendments to Article 5 to revise the definition of cluster development as a Second Reader in accordance with the Policy for text amendments.

After a thorough explanation by Mr. Canavan and questions by the Commissioners, the following motion was made:

Commissioner Raley moved, seconded by Commission Mattingly to direct staff to move the Zoning Ordinance Text Amendment to a Planning Commission Public Hearing. Motion carried 5-0.

Proposed Revisions to the Conditions of Approval for Growth Allocation for Calvert Estates and Chesapeake Industrial Park

Mr. Canavan and Ms.Veith discussed with the Commissioners the need for a hearing; and, if needed, to schedule a hearing on a proposed amendment to Z-93-08 to revise required acreage of open space set aside when growth allocation was approved for Chesapeake Industrial Park, or, if not needed, consider adoption of the amendment for signature by the Board of County Commissioners and forwarding a request to the Critical Area Commission for approval of the

change as a program refinement. Request would revise ordinance conditions of approval and forward the request for program refinement to the Critical Area Commission.

Commissioner Mattingly moved, seconded by Commissioner Dement that in the matter of Amendment to Z-93-08, I move that the Board of County Commissioners hold a hearing on proposed revisions to the conditions of approval for growth allocation for Calvert Estates and Chesapeake Industrial Park to consider adopting the "Amendment to Ordinance Z-93-08 Chesapeake Industrial Park" and forwarding a request to the Critical Area Commission for approval of the change as a program refinement. Motion carried 5-0.

COMMISSIONERS' TIME

Commissioner Dement

Congratulations to Dicky and Marilyn Norris on their 50th Anniversary

Attended the Special Olympics

Attended the Reception for the Friends of the United Way of St. Mary's held in St. Mary's City

Commissioner Mattingly

Attended Special Olympics with about 240 athletes participating

Attended the Open House for Amelex, a local Government Contractor

Attended Historical Society Annual Dinner at the Firehouse

Attended the "Taste of St. Mary's" in St. Mary's City, sponsored by St. Mary's Hospital Foundation

Attended the ribbon cutting for the opening of the Air Traffic Control Tower at Pax River

Request a follow-up on the proposed tower to be constructed at Point Lookout

Extend sympathies to Laschelle Miller upon the loss of her mother and to Delores Lacey upon the loss of her father-in-law.

Commissioner Jarboe

Extend deepest sympathies to the Quesenberry family upon the loss of their daughter

Commissioner Raley

Wish Happy Birthday to his children

Attended the ribbon cutting for the opening of the Air Traffic Control Tower at Pax River

Commissioner Raley wanted to clarify his position on the Budget Amendment requesting additional funds for events. He wishes staff to go back and take a closer look, while sharpening their pencils, and come up with a more accurate figure and then bring it back to the table. He did not have a problem with the Budget Amendment, only the amount. Commissioner Dement concurred.

Commissioner McKay

Recognized and attend the Hollywood Elementary International Day Event on Friday

Commented on the installation of a new Board of County Commissioner's Comment Line in the lobby of the Annex, which will encourage communication with the public. Also, new Business Cards have been printed including the phone numbers for George Forrest, Denis Canavan, George Erichsen, and Tim Cameron. These cards can be passed out to the public providing needed phone numbers and contacts.

Thanks to the Northern Senior Center for hosting lunch today and for all of the comments provided to the commissioners.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to move into Executive Session as provided for in Article 24, Section 4-210(a)1, Personnel. Motion carried 5-0.

(Following was transcribed by Donna Gebicke)

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
Sue Sabo, Director, Human Resources
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 5:20 pm – 5:54 pm

Action taken: The Commissioners discussed personnel issues.

DEPART GOVERNMENTAL CENTER

The Commissioners recessed and reconvened at Route 5, near St. Mary's College, for the unveiling of a *Preserve America* sign and then continued on to Ridge for the Public Forum.

PUBLIC FORUM (held at the Ridge Volunteer Fire Department Ridge Volunteer Fire Department)

Commissioner McKay opened the Forum and called for a motion from the Executive Session held prior to the Forum.

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session on matters of personnel. Motion carried 5-0.

The Forum was opened for public comments.

Emily Jackson, 48045 Freehold Road, St. Mary's City

I was glad to hear your emphasis on the importance of land use (*reference to comments made by Commissioner McKay during the introduction staff present*). I am involved with two committees working on these issues: the TDR Committee facilitated by the Chamber of Commerce and the APF Committee. Both are trying to address changes to how the County handles growth and to direct growth away from RPDs and into development districts. APF Committee made a presentation to you in the fall on the current situation. You gave directive to go forward and come back with recommendations. Want to remind you that our group is still out there. We are a committed and hard working group. I represent the PTA's and growth related to schools as well as the big picture. We are a large committee, so it takes a long time to get through issues. But, this is a positive thing, as these are not easy issues to understand. I want to ask you to commit to the concept that we do need changes to the current plan and ask that you develop a communication flow between you (Board) and the APF Committee. If you hear comments from the public, please pass them on to us. We would rather have input while we are in discussion, rather than when we get to public hearing. I do believe that the work of APF and TDR Committees is a step in the right direction.

Mr. Parker, 47840 Cross Manor, St. Inigoes

After every rainstorm for the last 28 years, I look up the creek and pouring out of three fingers of the creek is brown mud - stormwater. This has been going on for at least ¼ of a century. Tell me – is anyone looking into this? Is there a plan for improvement? It's a shame to see St. Inigoes Creek fill up with mud. A program is needed to address this.

(Commissioners agreed to bring this issue up to Secretary Flanagan when he makes his road tour in the fall, since part of the problem is runoff from state road.)

Robert Jarboe, 20040 Pear Hill Road, Leonardtown (comments submitted also in writing)

On January 17, 2006, LUGM presented for discussion an opportunity to reconcile difference between the LPDD (Lexington Park Development District) Master Plan and the Comprehensive Water and Sewer Plan. Certain lands outside of the development district are categorized for service within 6-10 years or 3-5 years. The CWSP limits the use of these categories to lands within growth areas designated by the Comprehensive Plan. This initiative to amend the Master Plan is an opportunity to resolve the discrepancies between the LPDD Master Plan and the CWSP.

Commissioner Jarboe clarified "that the intention of his motion on December 20, 2005, was specifically for school sites, not to open up the code for other options to be presented within that context." Discussion took place about the need to

keep the original intent of the previous motion intact, while taking steps to correct the discrepancies between the two plans. This set in motion two public hearings running parallel that would address the two issues.

For your information: This is not what happened at the Planning Commission's Public Hearing on April 24, 2006. There was no separate hearing or opportunity for citizens to present testimony on the proposed changes to the LPDD boundary lines by removing the Myrtle Point Park from the LPDD and add the 55 acre Wildewood school site. The hearing was on the 4 RL zoned properties that are outside of the LPDD boundary and the 55 acre Wildewood school site as they relate to Water and Sewer. Let me say once again that the current Comprehensive Land Use Plan, on page 32, states that the boundary of the LPDD as: "The St. Mary's watershed natural area and land westward thereof are excluded from the LPDD." Mr. Canavan has stated that we lead with the Comprehensive Land Use Plan. We agree with this, but shouldn't we also follow with a current Comprehensive Water and Sewer Plan?

The Planning Commission held a Public Hearing on the CWSP on May 27, 2003, and sent their recommendation to the Board of County Commissioners on July 14, 2003. The BOCC held a public hearing on September 30, 2003. We have not been able to find, nor has County staff been able to find anywhere that the BOCC has adopted a new CWSP. We know that state law requires counties to have a water and sewer plan and a land use plan and that they be reviewed at least once every 3 to 6 years.

We know that the County must be operating with the 1993 CWSP. This plan shows the RL property in the 6 year plan service area. If the March 2003 Draft CWSP showing maps with the last revision date of February 20, 2002, is the current plan, the RL zoned property that the public hearings are being held on would show NPS on the properties. This brings us to ask the question, and we would like to have an answer from each of the Commissioners. Have you adopted a current Water and Sewerage Plan? If you haven't, why haven't you? My point is that LUGM and Planning Commission are spending a lot of time on text amendments looking at RL zoned land. There would have been no need for public hearing on the four properties if CWSP updated.

Linda Vallandingham, 21705 Indian Bridge Road, California

I agree with Emily Jackson and Robert Jarboe's comments. There seems to be some misconception in the community regarding the proposed TDR program. The misconception is that it is a Chamber of Commerce proposal. This is not true. It is a program that has been worked on by the business, agricultural, environmental, and the development community for the citizens of the County. It is a good program. It continues to be a working document. It is not mandatory, but would be available for those wishing to participate in the program. What are your feelings on the TDR program?

Roy Fedders, 10690 St. Jerome's Neck Rd., Dameron

First, some positive things. Paving is going on at St. Jerome's Neck Road. I hope you have all seen the pictures I sent of the deplorable condition of ditches south of Raley Road. I talked to workers on the roadside and they said they'd try to get to it, but it looks like they will only do the ditches along the newly paved area. Dredging equipment came to St. Jerome's Creek a few days ago and it looks like they are starting. Hopefully, this is properly funded. Also want to talk about my concerns regarding the Public Safety Director position. The past 3 Emergency people were from the Sheriff's Department. This does not qualify a person to be a disaster preparedness person. I believe there should be more disaster training for this position. We could have done better in Hurricane Isabel. I recommend you appoint a Task Force to review what could have been done better. We could have an 18' tidal surge in St. Mary's County and we need to take action before the next disaster happens.

(Commissioner President McKay reviewed the post-Hurricane Isabel Task Forces and other follow-up activities that occurred and Commissioner Mattingly spoke about the outstanding work of the volunteer fire and rescue squads during and after the hurricane and the intense amount of training they receive on an on-going basis.)

Roy Fedders, 10690 St. Jerome's Neck Road

As a follow-up, I just wanted to make the point that training and education never hurts. Fire and Rescue did do a good job in the Hurricane, but we need to expand on that before the next problem occurs. Public Safety personnel should have the best training available, and I'm sure that

Mr. Cameron would be open to receiving disaster preparedness training.

Gerald Burch, 49705 Airedale Road, Ridge

Regarding the dredging in St. Jerome's Creek, it seems to be going well. Do you know the exact schedule?

Bobby Balta, 15187 Point Lookout Rd., Ridge VFD and Vice President of the Maryland State Firemen's Association

What is your opinion regarding home sprinklers in newly constructed homes? Do you think it will be mandatory? There will be a home sprinkler demonstration at SMECO in Hughesville this Saturday that will show just how effective they are - - they could mean life or death in a fire.

(Commissioner Mattingly reaffirmed his support for home sprinklers)

Keith Raley, Airedale Road, Ridge

Thanks for being so supportive of fire and rescue. We appreciate it. I'm here for the roads.

Mr. Fedders - - I'm glad you are seeing paving happening on St. Jerome's Neck Road. But, the main roads are another problem. I have spoken to Dyson and Bohanan about this. They have paved just a small portion of 235. I was hoping they would go up to Hermanville. They are black-topping the sides of the road only. Haven't had blacktop on 235 in 27 years, and Rt. 5 from the college is also very rough. When is the Secretary of Transportation coming to St. Mary's County? Point Lookout is a terrible situation. Appreciate what you can do when the Secretary comes down.

Robert Jarboe, 20040 Pear Hill Road, Leonardtown

Last question from us for now: Is this turning into another change of the direction given by the BOCC to County staff? For example: How the word "facility" got reinserted in the Resolution on the Text Amendment to allow sewer to the Wildewood school site. In the February 21, 2006, BOCC minutes the Board agreed to bring the matter back on a future meeting. What is the status of this agreement? This is a key concern with the public.

Minnie Russell, 16477 Dunbar Lane, Ridge

What are your plans for the Loffler Center? It doesn't seem like there are very many activities going on. How will residents be notified in an emergency if there is no electricity? What is status of communications tower? It is up, but not working. In reference to Mr. Parker's comments, the head waters of the tributary have always gotten muddy after rains. I've never seen when it didn't get muddy. And, there are no fields plowed in our area. I'm more concerned about the chicken manure that I see stacked up within 20' of the water's edge. Regarding the entrance fee to the state park - \$6 is too much - there needs to be rules and regulations. I applied to have a sign put up "slow - school bus stop ahead" at my grandchild's bus stop and it was turned down. This is a dangerous situation. Would appreciate your help with this.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Minutes approved by the Board of County Commissioners on _____

Risë Y. Carter, Administrative Assistant

Donna Gebicke, Administrative Assistant